

MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT
STAFF REPORT **# 1**

CASE NUMBER: PD15-306 **L.U.C.B. MEETING:** June 11, 2015

LOCATION: Southeast corner of Jackson Avenue and North Main Street

COUNCIL DISTRICT: 7

SUPER DISTRICT: 8

OWNER OF RECORD/APPLICANT: Pinch Partners, LLC

REPRESENTATIVE: Solomito Land Planning (Brenda Solomito Basar)

REQUEST: Planned Development

AREA: 1.04 Acres

EXISTING LAND USE & ZONING: Combination of residential and commercial land uses within the MU (Mixed Use) Zoning District

OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION

Approval with Conditions

Staff Writers: Gregory Love/Josh Whitehead

Email: josh.whitehead@memphistn.gov

CONCLUSIONS

The subject site comprises approximately 1.04 acres located within the Uptown Planning District. The Uptown Planning District was established in 2001 in an attempt to provide a tailored plan of development for this north downtown community. The plan introduced new zoning district that were crafted specifically for Uptown since this area is unique given its close proximity to downtown and its diverse combination of land uses. The subject site is currently zoned MU (Mixed Use); this district promotes a mixed land use theme. However, the zoning does intentionally omit some land uses could be considered inconsistent with the theme of the area.

The proposed PD and its requested uses embody the theme and character of the district, the PD also aligns with the areas current real estate market trend.

The increase in the maximum height restriction from 45' to 65' is reasonable for the district.

Finally, staff supports the legitimization, relocation and digitization of the existing non-conforming off-premise sign on the site since the applicant has agreed to conditions that will minimize the potentially negative effects of the billboard on adjacent properties.

LAND USE AND ZONING MAP



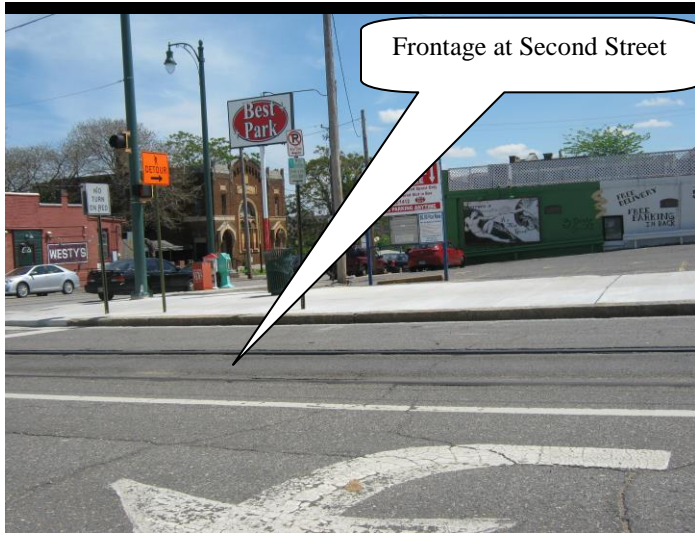
SURROUNDING LAND USES AND ZONING:

North- Vacant lot within the MU (Mixed Use) District

East- Interstate exit ramp within the MU (Mixed Use) District

South- Small vacant parcel and interstate overpass within the MU (Mixed Use) District

West- Front Street within the MU (Mixed Use) District



JACKSON AVENUE (70' R.O.W.)

N. MAIN ST. (70' R.O.W.)

COMMERCE AVE. (45' R.O.W.)

N. 2nd ST. (R.O.W. VARIES)

INTERSTATE 40 (OVERPASS)

ALLEY

±0.45 Ac.

±0.44 Ac.

±0.25 Ac.

JACKSON-MAIN LLC
INST. NO. 03099207
0.17 ACRES
001016 00009

WEST'S N MAIN ST LLC
INST. NO. 12124056
0.04 ACRES
001026 00035

M & V CRUICKSHANK
INST. NO. 02016484
0.126 ACRES
001026 00011C

AMERICAN LEBANESE SYRIAN ASSOCIATED
0.89 ACRES
001026 00005C

JAMES PERKINS
INST. NO. S6-8099
0.08 ACRES
001026 00008

LE PLASTER DEV CO
INST. NO. 061128674
0.08 ACRES
001026 00010

MAYE BEALE
INST. NO. 14005654
0.06 ACRES
001015 00002

CITY OF MEMPHIS
INST. NO. BR-4123
2.20 ACRES
001015 00003

STREET TREES W/TREE WELLS

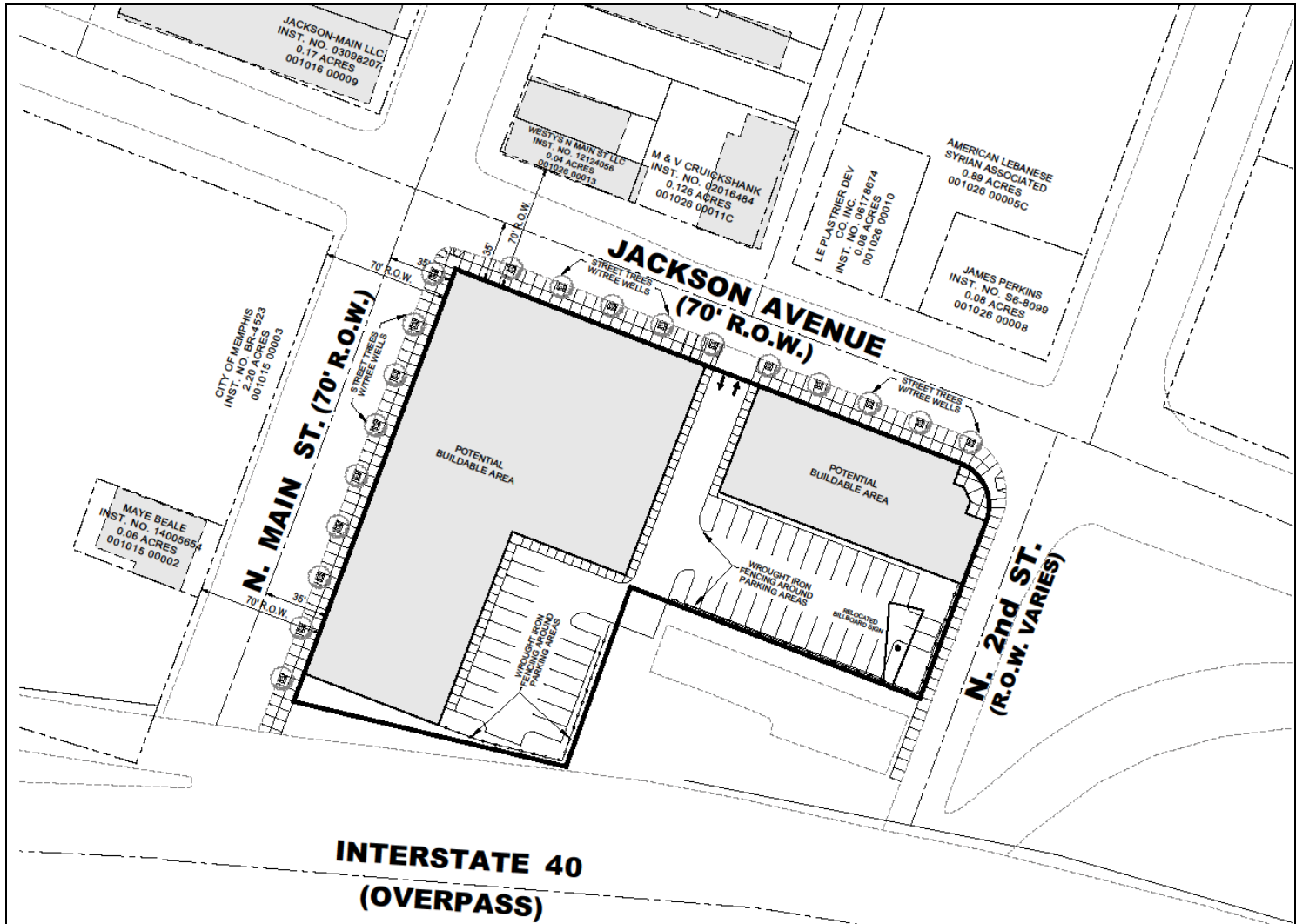
WROUGHT IRON FENCING AROUND PARKING AREAS

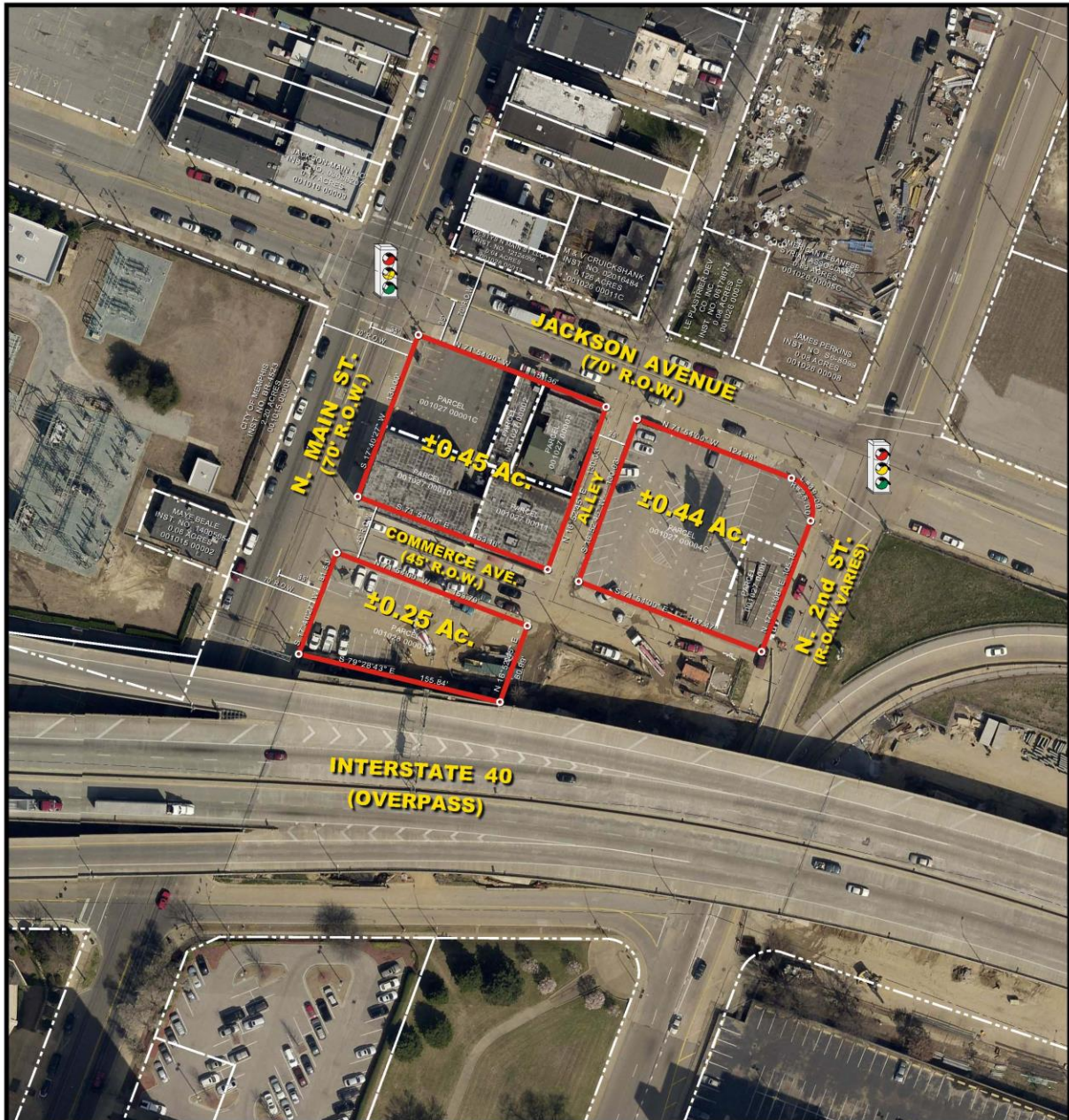
EXISTING BUILDING TO REMAIN

WROUGHT IRON BUILDING TO REMAIN

RELOCATED BILLBOARD SIGN

Conceptual Plan B (with right of way closings)





PREPARED BY:



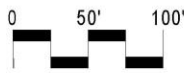
784 Deans Creek Drive, Collierville, TN 38017
(W)901.457.0528 (C)901.230.5867 underwoodm@earthlink.net

Brenda Solomito Basar
Solomito Land Planning
2067 Kirby Parkway • Memphis, TN 38119
brendasolomito@bellsouth.net
Office (901) 755-7495 • Cell (901) 569-0310

DATE: 3/26/2015 JOB No: 14032



NORTH



SCALE: 1"=100'

Aerial Photograph
PINCH
PARTNERS P.D.
MEMPHIS, TENNESSEE

OWNER/DEVELOPER:
PINCH PARTNERS INVESTMENT CO.
65 Union Avenue, Suite 1200
Memphis, Tennessee 38103

STAFF ANALYSIS

Site Characteristics

The subject site comprises a total of approximately 1.04 acres and is occupied by a combination of commercial and residential land uses; there is also an off-premise sign or billboard located near the site's eastern perimeter and a surface parking lot. The property is located within the Uptown Planning District; the intent of this Special Purpose District, when it was established in October, 2001, was to preserve and reinforce the north Memphis area by supporting development and redevelopment while being sensitive to the existing urban context. The intent of this planning district was also to ensure that incoming uses would be appropriate in scale and in character with the vision for this revitalized north downtown community.

The Uptown Community Redevelopment Plan created tailored zoning categories that would help to guide and encourage the rehabilitation of existing structures and new ones. These newly created categories were intended to promote an "urban form" and support appropriate uses. The tailored zoning designation for the subject site is MU (Mixed Use). The general intent of the MU District is:

"that uses be physically integrated. Permitted land use types include commercial, townhouses, apartments and institutions. The ideal model consists of building(s) with retail or restaurant uses on the ground floor and office and/or residential uses on the upper floors".

Request

Planned Development

(1) Add uses currently not allowed within the MU District, (2) Re-position, digitize and legalize existing billboard, (3) Increase district height maximum from 45 feet to 65 feet

Conclusion

The subject site is within the Historic Pinch District; the Pinch is one of Memphis's first commercial communities and like most of Downtown and its adjacent areas suffered as population and commerce moved eastward over time. One of the most prominent developments in the area is the Pyramid built in the 1990's. The pyramid began as a sports arena and concert venue but lost much of its functional use as more sophisticated sports areas and concert halls were constructed.



Long talks with outdoors equipment retailer Bass Pro have resulted in the adaptive re-use of the Pyramid. Bass Pro, known world-wide as one of the largest outdoor equipment retailers, has retrofitted the building and it is now a Bass Pro retail store and recreation center. The grand opening occurred on April 28, 2015. This multi-million dollar project offers some promise of ancillary development within the area which includes the Pinch District and the subject site.

The Uptown Community Redevelopment Plan, adopted in 2001, was drafted in an attempt to craft a framework for the future for this north downtown community. As was mentioned earlier in this report, zoning districts were created specifically for this district that would guild this neighborhood in a way that would highlight its assets and address development trends. This tailored approach was taken as this area is considered valuable because of its history and its proximity to the core of downtown.

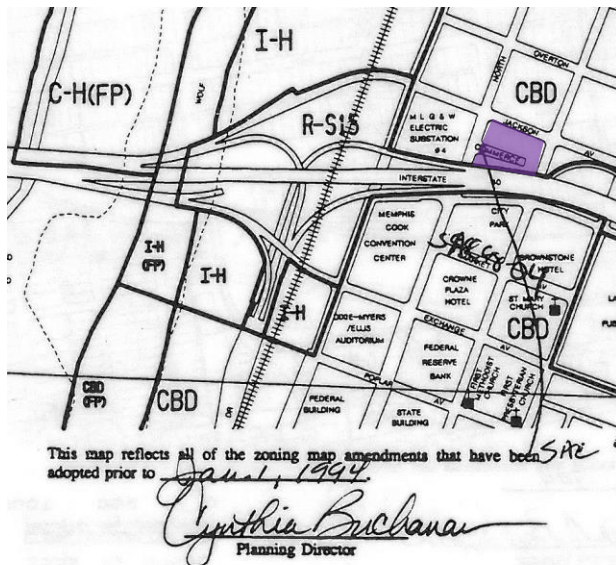
The PD as submitted does embody the general spirit of the area and its mixed use zoning it also aligns in general with the Uptown. However, this PD and its conditions should be carefully crafted, as was the Uptown zoning districts, in an effort to support the intent of the Uptown Planning District as well as recent investment. With that, the general intent of the applicant is to develop a commercial planned development with some additional uses and an increased in the maximum building height for the district from 45' to 65'.

Billboard

The existing off-premise sign or billboard is non-conforming since it is not within the appropriate zoning district, but other requirements for billboards under the UDC are met, such as proximity to interstate highways, distance from single-family neighborhoods, etc. The subject site was zoned CBD, Central Business District, prior to the adoption of the Uptown Special Purpose District (OPD Case No. ZTA 01-004, adopted by City Council on October 16, 2001 as Ordinance No. 4902) and associated comprehensive rezoning. The comprehensive rezoning effectively downzoned this property from CBD to MU, Mixed Use. As such, the billboard on the property became legal, non-conforming and fell under the restrictions governing non-conformities in the UDC. For instance, Section 4.9.8M(3) of the UDC prohibits any change in technology for non-conforming billboards, including the conversion of a vinyl billboard to digital.

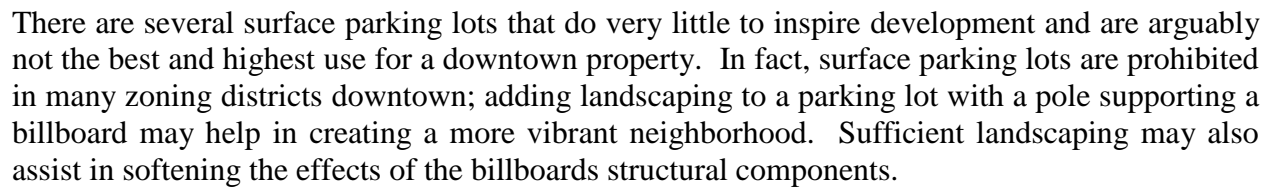
A Variance (BOA14-19) was submitted in July 2014 to the Board of Adjustment requesting to digitize the existing billboard, but was withdrawn. That application was different than the present application in two primary ways: 1) the test for approval of a Planned Development (PD) is essentially a finding that the PD will not negatively impact surrounding properties while the test for approval of a Variance is essentially a finding that the property is unique and the strict adherence to the zoning code imparts upon the owner a hardship or practical difficulty; 2) the applicant is agreeable to conditioning the billboard to either be located on the roof-top of a future building or install landscaping around the perimeter of the existing parking lot. Those conditions are included in this staff report (Condition V (C)).

The zoning map from 1994 below indicates the subject site in purple. Note the zoning of the property: CBD.



The applicant wishes to move the billboard and digitize it. OPD is in support of legitimizing, moving and digitizing the sign; however, attention to placement and scale must be in place in an effort to align this PD component with the intent of the district and to make certain that the projected theme of the community is not compromised. Staff believes that requiring the billboard to be positioned on the roof of any of the proposed structures instead of placing the sign on a typical billboard pole would allow for maximum development of the PD buildable area and offer some aesthetic relief from the typical “pole” of an off-premise sign.

If erecting the sign on a roof-top is not achievable, a landscape plan shall be submitted and approved by OPD. The landscape plan shall be created in an effort to soften the effect of the billboard and its elements for the sake of the subject PD and surrounding land uses. Also, a flag mount or offset pole design will be required (see image below). The applicant is agreeable to the roof-top and landscaping options for this billboard.



Two concept plans were submitted as the developer has not confirmed public right of way closures but wanted to consider the additional buildable area if the streets were closed.

RECOMMENDATION

Approval with conditions

SITE PLAN CONDITIONS

A Planned Development is hereby authorized for property at the intersection of front Street and Jackson Street. This site and its use shall operate in accordance with the approved site plan and the following supplemental conditions:

*These conditions were submitted by the applicant, and modified by
by OPD (as indicated in **bold, italics and underline**)*

I. PERMITTED USES

- A. Uses Permitted by right in the Mixed Use District (MU) of the Uptown Special Purpose District and one permanent off premise advertising sign.
- B. The following Uses shall be prohibited:
 - 1. Gasoline Sales
 - 2. Drive In Restaurant
 - 3. Indoor Recreation

II. BULK REGULATIONS

- A. Bulk regulations in accordance with Mixed Use District (MU) of the Uptown Special Purpose District except for the following:
 - 1. Building Heights
 - i. Maximum height: 6 Stories
 - ii. Exceptions can be made for steeples, cupolas, and similar architectural elements, to be approved by the Office of Planning and Development.
 - iii. Finished floor elevations for residential uses shall be a minimum of 18 inches above finished grade. Exceptions to this requirement maybe approved administratively by the Planning Director.
 - B. No maximum dwelling units per acre.

III. CIRCULATION, ACCESS AND PARKING

- A. A Final Plat reflecting Conceptual Site Plan A or Conceptual Site Plan B shall be submitted to the Office of Planning and Development for review and approval.

- B. Parking and/or loading spaces shall be illustrated on each final plat and shall conform to the elements of the Unified Development Code that is in place at the time a final plat is filed.
- C. Parking requirements may be reduced in accordance with the specifications of Sec. 7.3.12 of the Unified Development Code. Otherwise, minimum parking requirements shall be consistent with those specified in the Mixed Use District (MU) of the Uptown District:
 - 1. Residential
 - a. Three (3) or fewer bedrooms per unit: One (1) space for each unit
 - b. Four (4) or more bedrooms per unit: Two (2) spaces for each unit
 - 2. Commercial or Office
 - a. Three (3) spaces/ One thousand (1,000) gross square feet
 - 3. Institutional
 - a. As regulated by Chapter 4.5, Parking and Loading of the Unified Development Code.
- D. Shared and Off-Site Parking shall be permitted per Sec. 7.3.12 B of the Unified Development Code.
- E. Parking structures shall be permitted in this planned development and shall be constructed in accordance with Sec. 7.3.10 B of the Unified Development Code.
- F. The City Engineer shall approve the design, number and location of curb cuts.
- G. Any existing curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.

IV. STREETSCAPES AND LANDSCAPING

- A. Along public ROW and for parking lot screening, landscaping plans shall be approved by the Office of Planning and Development.
- B. Where a nonresidential use abuts a residential use, a landscape plan or the waiver of landscaping Plan shall be approved by the Office of Planning and Development.

V. SIGNS

- A. Signs shall be regulated by the MU District requirements.
- B. The existing off premise advertising sign shall be treated as a permanent permitted use and relocated within the boundaries of this Planned Development. The sign may be converted to digital technology. Modifications to the required setbacks for off premise signage may be permitted administratively by the Office of Planning and Development.
- C. *The proposed off-premise sign shall be erected atop any of the proposed structures. If the sign is not erected on a building roof-top, non-irrigated drought-resistant landscaping shall be installed along the base of the sign and around the perimeter of the parking lot to decrease the effect of the signs building components. This landscape plan shall be approved by OPD. Additionally, if the sign is not erected on a building roof-top, it shall be designed as a flag mount or offset pole.*

- VI. The Land Use Control Board may modify the bulk, access, parking, landscaping, loading, screening, signage, and other site requirements if equivalent alternatives are presented: provided, however, any adjacent property owner who is dissatisfied with the modifications of the Land Use Control Board hereunder may, within ten (10) days of such action file a written appeal to the director of the Office of Planning and Development, to have such action reviewed by the Appropriate Governing Bodies.
- VII. A final plan shall be filed within five (5) years of the approval of the general plan. The Land Use Control Board may grant extensions at the request of the applicant.
- VIII. Any final plan is subject to the administrative approval of the Office of Planning and Development and shall include the following:
 - A. The Outline Plan conditions.
 - B. The location and dimensions, including height of all buildings or buildable areas, pedestrian and utility easements, service drives, parking areas, trash receptacles, loading facilities, and required landscaping and screening areas.
 - C. The location and ownership, whether public or privates of any easement.

- D. The following note shall be placed on the final plat of any development requiring on-site storm water detention facilities: The areas denoted by "Reserved for Storm Water Detention" shall not be used as a building site or filled without first obtaining written permission from the City and/or County Engineer. The storm water detention systems located in these areas, except for those parts located in a public drainage easement, shall be owned and maintained by the property owner and/or property owners' association. Such maintenance shall be performed so as to ensure that the system operates in accordance with the approved plan on file in the City and/or County Engineer's Office. Such maintenance shall include, but not be limited to removal of sedimentation, fallen objects, debris and trash, mowing, outlet cleaning, and repair of drainage structures.

GENERAL INFORMATION

Street Frontage: Approximately 176 feet along Jackson Avenue and 228 along Hickory Hill Road.

Planning District: Uptown

Census Tract: 22

Zoning Atlas Page: 1925

Parcel ID: 8 parcels

Zoning History: MU (Mixed Use)

DEPARTMENTAL COMMENTS

The following comments were provided by agencies to which this application was referred:

City Engineer:

1. Standard Subdivision Contract as required in Section 5.5.5 of the Unified Development Code.

Sewers:

2. City sanitary sewers are available at developer's expense.

Roads:

3. Dedicate a traffic signal easement on the chord of the property line radius (from end of radius to end of radius) at the southeast corner of Jackson and Main.
4. Dedicate a ten foot property line radius at the intersection of Jackson Ave and Main St. in accordance the requirements of the Unified Development Code.
5. Provide approved names for all streets reflected on the preliminary/outline plan.

Curb Cuts/Access:

6. This site may be impacted by interchange modifications to the I-40 corridor by TDOT and by improvements to N Second Street by the City Of Memphis. Refer to LRTP no 609 and 189.
7. Access to No Second Street via private drive or driveway is prohibited. Convey right of access to City of Memphis.
8. The City Engineer shall approve the design, number and location of curb cuts.
9. The Developer shall be responsible for the repair and/or replacement of all existing curb and gutter along the frontage of this site as necessary.
10. All existing sidewalks and curb openings along the frontage of this site shall be inspected for ADA compliance. The developer shall be responsible for any reconstruction or repair necessary to meet City standards,
11. Any existing nonconforming curb cuts shall be modified to meet current City Standards or closed with curb, gutter and sidewalk.
12. One curb cut will be permitted to Jackson Avenue and shall be located at the entrance to the alley to be closed as part of this application.
13. One curb cut will be permitted to N. Main Street and shall be located at the entrance to Commerce Avenue to be closed as part of this application.

Street Closures:

14. Provide easements for existing sanitary sewers, drainage facilities and other utilities or relocate at developer's expense.
15. The applicant shall provide for the construction of curb, gutter and sidewalk across the closure as required by the City Engineer. If the City Engineer approves access, the applicant shall construct a City Standard curb cut across the closure, all to the satisfaction of the City Engineer, and at the applicant's expense. The applicant shall enter into a Standard Improvement Contract or obtain a curb cut permit from the City

Engineer to cover the above required construction work.

16. The applicant shall comply with all conditions of the closure within three years of the conditional approval of the closure by the City Council.

Drainage:

17. Drainage improvements, including possible on-site detention, shall be provided under a Standard Subdivision contract in accordance with Unified Development Code and the City of Memphis Drainage Design Manual.

Site Plan Notes:

18. Provide internal circulation between adjacent phases, lots, and sections. Common ingress/egress easements shall be shown on the final plats.

General Notes:

19. The width of all existing off-street sewer easements shall be widened to meet current city standards.
20. Required landscaping shall not be placed on sewer or drainage easements.

City Fire Division:	No Comment
City Real Estate:	No comments received.
City/County Health Department-	No comments by the <i>Water Quality Branch & Septic Tank Program</i> .
Pollution Control:	No comments received.
Environmental Sanitation:	No comments received.
City Board of Education:	No comments received.
Construction Code Enforcement:	No comments received.
Memphis Light, Gas and Water:	MLGW has reviewed the referenced application, and has <u>no objection, subject to the following conditions:</u>

- **It is the responsibility of the owner/applicant** to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities. No permanent structures will be allowed within any utility easements.
- **It is the responsibility of the owner/applicant** to contact **TN-1-CALL @ 1.800.351.1111**, before digging, and to determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc.
- **It is the responsibility of the owner/applicant** to pay the cost of any work performed

by MLGW to install, remove or relocate any facilities to accommodate the proposed development.

- **It is the responsibility of the owner/applicant** to comply with the **National Electric Safety Code (NESC)** and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.
- **Landscaping is prohibited** within any MLGW easement or dedicated utility easement without prior MLGW approval.
- **It is the responsibility of the owner/applicant** to submit a detailed plan to MLGW Engineering for the purposes of determining the availability and capacity of existing utility services to serve any proposed or future development(s). Application for utility service is necessary before plats can be recorded.
 - All residential developers must contact MLGW's Residential Engineer at Builder Services: (901) 729-8675 to initiate the utility application process.
 - All commercial developers must contact MLGW's Builder Services line at 729-8630 (select option 2) to initiate the utility application process.
- **It is the responsibility of the owner/applicant** to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

Bell South:

No comments

Memphis Area Transit Authority (MATA):

No comments received.

OPD-Regional Services:

No comments received.

Brenda P. Solomito
Land Planner

*Zoning
Master Planning
Due Diligence
Project Management
Subdivision Coordinator*

March 27, 2015

Mr. Josh Whitehead
Planning Director
125 North Main St., Room 468
Memphis, TN 38103

RE: Application for Planned Development – Pinch Partners PD
Southeast Corner of Jackson Avenue and North Main Street – Memphis, TN

Dear Josh,

We are pleased to submit an Application for New Planned Development on behalf of Pinch Partners Investment Company. In anticipation of new development near the Historic Pinch District in which the property resides, the applicant applies to create a coherent planned development of eight (8) parcels, a total of 1.04 acres, just north of Interstate-40.

The subject property, located south of Jackson Avenue between North Main Street to the west and North Second Street to the east, is zoned Mixed Use (MU) within the Uptown Special Use District. A variety of uses consistent with this zoning designation exist on-site, including a duplex, restaurants, special event venues, and associated parking.

The proposed outline plan conditions maintain the spirit of the Mixed Use district by increasing the mix of uses compatible with the developing neighborhood. As the Historic Pinch District anticipates new attention with the opening of Bass Pro; increased interest garnered by previtalization events such as MemFix; and the growth of services related to St. Jude and area medical uses, Pinch Partners Investment Company aims to add coherence to the future development of the subject site through the implementation of a new planned development.

The site is suited for more uses than are currently allowed. Both its historic development and consideration of the demands of future development attest to this un-met potential. Immediately north of the interstate, the area was originally zoned Highway Commercial, but with the adoption of the Uptown Special Purpose District in 2001, the property was down zoned.

An off premise advertising sign, owned by easement, has existed on the property since 1990-1991. It is estimated to have been permitted in 1990-1991. There is reason to believe an older wooden structure off-premise sign was on this site prior to 1990-1991. The proposed outline plan conditions request the legitimization, relocation, and improvement of this sign, with the intention of making it more compatible with the needs of the public as well as less physically intrusive in the space. The sign possesses all necessary legal permits from the state of Tennessee.

With the exception of an increase in building height permitted and new specifications for added uses, all bulk regulations will remain consistent with those stipulated in the Mixed Use designation of the Uptown District and the Downtown Commission's Design Guidelines. All proposed modifications remain

compatible with both the surrounding mixed land uses and expected demand for increased, denser, mixed-use urban development in the area.

We are confident these requests pose no threat to the public interest nor surrounding development. The applicant looks forward to the harmonious and coherent development of the subject site and surrounding area. Thank you for your time and attention to this request. Please do not hesitate to call if you have any questions.

Sincerely,

SOLOMITO LAND PLANNING

A handwritten signature in blue ink, appearing to read 'Brenda', with a stylized flourish extending to the right.

Brenda Solomito Basar
Land Planner



Memphis and Shelby County
Office of Planning and Development

CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6619

**APPLICATION FOR PLANNED DEVELOPMENT APPROVAL
(OUTLINE PLAN APPROVAL/OUTLINE PLAN AMENDMENT)**

Date: 3-26-2015

Case #: _____

PLEASE TYPE OR PRINT

Name of Development: Pinch Partners Planned Development

Property Owner of Record: Please see Application Addendum A. Phone #: _____

Mailing Address: _____ City/State: _____ Zip _____

Property Owner E-Mail Address: _____

Applicant: Pinch Partners Investment Company Phone # 901-255-2120

Mailing Address: 65 Union Avenue, Suite 1200 City/State: Memphis, TN Zip 38103

Applicant E-Mail Address: _____

Representative: Solomito Land Planning -- Brenda Solomito Basar Phone #: 901-569-0310

Mailing Address: 2067 Kirby Parkway City/State: Memphis, TN Zip 38119

Representative E-Mail Address: brendasolomito@bellsouth.net

Engineer/Surveyor: McAdoo Land Surveying Phone # 901-465-2235

Mailing Address: 7580 Highway 64 City/State: Oakland, TN Zip 38060

Engineer/Surveyor E-Mail Address: jmcadoo@mcadoosurvey.com

Street Address Location: 0 N Second/ 0 Jackson/ 0 Commerce/ 326 N Main/ 326 N Main R/ 113 Jackson/ 111 Jackson/ 332 N Main

Distance to nearest intersecting street: _____

Located at the southeast corner of Jackson Avenue and North Main Street

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	_____	_____	_____
Existing Zoning:	_____	_____	_____
Existing Use of Property	Please see Application Addendum B.		
Requested Use of Property	_____	_____	_____

Medical Overlay District: Per Section 8.2.2D of the UDC, no Planned Developments are permitted in the Medical Overlay District.

Unincorporated Areas: For residential projects in unincorporated Shelby County, please provide the following information:

Number of Residential Units: N/A Bedrooms: N/A

Expected Appraised Value per Unit: N/A or Total Project: N/A